



## New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date:
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Subchapter:	1	Legal Procedures	
Issuance:	300	<b>CP&amp;P as a Witness to Miranda Warnings</b>	

### **CP&P as a Witness to Miranda Warnings** 1-23-2006

Under no circumstances does CP&P serve as a witness to Miranda warnings unless explicitly directed by a DAG. The following guidelines are used when responding to a police request that CP&P serve as witness to a Miranda warning.

A response to a police request that CP&P serve as witness to a Miranda warning to a child arrested is handled according to whether or not the child is known to CP&P; and if known, what the legal status is of the child.

When a juvenile is arrested for criminal offenses and

- He is not known to CP&P, then:
  - Police should contact the parents.
  - If the parents cannot be located, and the police contact CP&P, CP&P should inform the police that since the child is not under CP&P supervision or custody, the Division has no authority to act on behalf of the child to secure legal representation.
- He is known to CP&P and CP&P has guardianship or legal custody, then:
  - The assigned Worker or Supervisor must contact the DAG and follow his/her advice/direction.
  - CP&P should never waive Miranda rights for the child.
- He is in out-of-home placement (independent living or residential placement), authorized by a signed placement agreement, then:
  - If the parents cannot be contacted, CP&P should contact the DAG about the child's representation.

- Facility, e.g. residential facility, should contact the parents (or legal guardian).
  - If family (or legal guardian) cannot be contacted by the facility, the facility should contact CP&P to obtain an address or telephone number or CP&P can contact the parents directly.
- He is receiving in-home services, then:
  - The police should contact the child's parents (or legal guardian).
- He is from another state, then:
  - - The police should contact the child's parents (or legal guardian).
  - The police may contact CP&P for possible placement, only until the parents/guardian or child protection/welfare agency from the child's state of residence can be contacted.